

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure (satellite dish) to be located on the roof in lieu of the required rear yard.

- of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. If installed on the ground, neighbor's trees and house are in line of site between receiver and satellite.
 2. If placed on roof of sunporch, BG&E power lines and neighbor's house interferes with received signals.
 3. It has been placed on the roof of our house for optimum reception and in so doing, the installer drilled four holes in the roof to anchor the satellite. If removed, this could cause leaks and water damage to the entire house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
 (Type or Print Name) Earl E. Bacon
 Signature (Type or Print Name) Earl E. Bacon
 Address Vivian E. Bacon
 City and State Baltimore, MD 21207
 Attorney for Petitioner: 7114 Munford Road, 944-0743
 (Type or Print Name) Address Phone No.
 Signature Baltimore, MD 21207
 Address Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 City and State Name
 Attorney's Telephone No.: Address 944-0743
 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day

of July, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of August, 1986, at 9:30 o'clock.

Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 9th day of July, 1986.

Petitioner: Earl E. Bacon, et ux
 Attorney: Received by: James E. Dyer
 Chairman, Zoning Plans
 Advisory Committee

IN RE: PETITION ZONING VARIANCE * BEFORE THE
 NW/4 of Munford Road, 131.86' * ZONING COMMISSIONER
 NE of the centerline of * OF BALTIMORE COUNTY
 Greengage Road (7114 Munford *
 Road) - 1st Election District *
 Earl E. Bacon, et ux, * Case No. 87-60-A

Petitioners *

AMENDED ORDER

Pursuant to the Order in this matter, dated September 4, 1986, and Restriction 3 therein, further testimony and evidence was presented at a public hearing on October 6, 1986.

After due consideration of that testimony and evidence, this Commissioner is convinced that the Petitioners' request for a variance to permit a satellite dish (dish) to be located on the roof should be granted for the same reasons explained in the original Order. Further, it is clear that any viable option to the location of the dish would also require a variance, i.e., the placement in the side yard and/or its height being in excess of 15 feet, and no evidence was presented by the Protestants to the effect that placement in any other location would abate the adverse conditions described.

This Commissioner is convinced that the dish is not the cause of the problems described by the Protestants and is also convinced that they occur but for reasons which have not been proven.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of October, 1986, that the Petition for Zoning Variance to permit an accessory use (satellite dish) on the roof instead of the required rear yard be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Protestants may exercise their right of appeal to the Baltimore County Board of Appeals within 30 days from the date of this Amended Order.

Zoning Commissioner of
 Baltimore County

AJ/srl

cc: Mr. & Mrs. Earl E. Bacon

Mr. & Mrs. Robert DeBoy

People's Counsel

IN RE: PETITION ZONING VARIANCE * BEFORE THE
 NW/4 of Munford Road, 131.86' * ZONING COMMISSIONER
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Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory use (satellite dish) on the roof instead of the required rear yard, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Testifying on their behalf was Frank Bart. Mr. and Mrs. Robert DeBoy, adjacent property owners, appeared in opposition.

Testimony indicated that the instant case arose as a result of a complaint filed by Mrs. DeBoy alleging that the Petitioners had placed a satellite dish, eight feet in diameter, on their roof in violation of the Baltimore County Zoning Regulations (BCZR).

The subject property, zoned D.R.5.5, is located on Munford Road. Mr. Bart, the installer of the dish, testified that the only place the dish could be located, in order to receive the appropriate microwave television signals from orbiting satellites, was on the roof. It could not be placed in the rear yard without removing trees from neighboring yards because no clear "line of sight" exists. Mr. Bart's testimony was uncontroverted, although Mrs. DeBoy believes it could be located in the rear yard.

The Petitioners and the Protestants own adjoining duplexes, and Mrs. DeBoy expressed a strong fear of the dish falling. She also complained of

interference to her television and telephone. In addition, she presented numerous letters of opposition, Protestants' Exhibit 2, which concur with her objections as to potential diminution of property values and to the dish's unsightliness. All complained of its ugliness and all want it banned.

The Petitioners seek relief from Section 400.1, pursuant to Section 307, BCZR.

Satellite dishes are designed to receive low energy radio signals from satellites orbiting the earth, and the signal received is then transmitted to a television receiver. However, a dish, unlike television and radio signals, requires an unobstructed line of sight to the satellite. Such a line is critical to its performance. The area within the direct line between the land-based antenna and the orbiting satellites, called the "reception window", must be obstruction-free for effective reception, i.e., free of man-made or natural physical barriers that would block the signal between the satellite and the antenna. Buildings, walls, fences, billboards, utility poles, and trees are common obstructions that can prevent or impair the reception of a useable signal. Dishes should be located so that their reception window will not be blocked by these or any other obstructions. In fact, on January 14, 1986, the FCC, in issuing a final ruling about limited preemption of local satellite dish regulations, preempted any landscaping or screening requirement that obstructs the reception window. See Federal Register, February 14, 1986, p. 5519-5527.

Without going any further into the technical make-up of a satellite dish, it is sufficient to underscore the fact that a conventional mast antenna and a satellite dish are different. However, the FCC ruling cited above denied local governments the right to differentiate between such antennas unless the regulations have "a reasonable and clearly defined health, safety, or

aesthetic objective." In short, local governments cannot discriminate against dishes. Baltimore County does not.

Section LB01.1.A.14, BCZR, permits accessory uses or structures as a matter of right in a D.R. zone. Section 101-Definitions, BCZR, defines an accessory use or structure as one which is customarily incident and subordinate to and serves as a principal use or structure; is subordinate in area, extent, or purpose to the principal use or structure; is located on the same lot as the principal use or structure served; and contributes to the comfort, convenience, or necessity of the occupants in the principal use or structure served. Unlike the R.C. zones, when an accessory use or structure, such as swimming pools, tennis courts, garages, utility sheds, or others, is subject to Section 400, BCZR, the D.R. zones do not specifically make such uses subject to the restrictions delineated therein. However, if the result implied would be followed, it would permit an accessory use or structure, not a building, to be placed on a lot unrestricted by Section 400.1 in any D.R. zone. This clearly was not the intent of the Baltimore County Council. Section B400, BCZR, enacted within Bill No. 18, 1976, stated:

The provisions of this article apply only to principal use except as otherwise specified (as in Item 405.4.C.12) or unless the provision implicitly relates to accessory usage (as in Section 405A). (emphasis added)

Therefore, the Council has recognized that "accessory uses" are to be included in addition to accessory buildings in Section 400.1. This intent is obvious and not contradictory.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. *Pittman v. Housing Authority*, 25 A.2d 466.

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The basic principles of statutory construction were comprehensively set out by the Court of Appeals in *State v. Fabritz*, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. *Purfoy v. Merc. Safe Dep. & Trust*, 273 Md. 58, 327 A.2d 483 (1974); *Scoville v. Sec'y. of the State*, 269 Md. 390, 306 A.2d 534 (1973); *Height v. State*, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, *Walker v. Montgomery County*, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, *Mitchell v. State*, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be "considered in its entirety, and in the context of the purpose underlying [its] enactment," *Giant of Md. v. State's Attorney*, 267 Md. 50, at 509, 295 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. *Grosvenor v. Supervisor of Assess.*, 271 Md. 232, 315 A.2d 758 (1974); *Height v. State*, supra, where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. *Purfoy v. Merc. Safe Deposit & Trust*, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. *Gatewood v. State*, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in *Maguire v. State*, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context...[since] the meaning of the plainest words in a statute may be controlled by the context..." In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. *B. F. Saul Co. v. West End Park*, 250 Md. 707, 246 A.2d 591 (1968); *Sanza v. Md. Board of Censors*, 245 Md. 319, 226 A.2d 317 (1967); *Height v. State*, supra.

The intent of the BCZR must be determined as being construed as a whole. See *Smith v. Miller*, 249 Md. 390.

- 4 -

June 24, 1987

While Section 1801.1.2.14 appears to permit accessory uses or structures (the terms are combined by definition, Section 101) without restriction, it is clear that the intent of the Council was to subject such uses or structures to Section 400.

The record unequivocally establishes that the dish serves no use other than to receive television signals, a use obviously incidental and subordinate to the principal use of this property. A satellite dish is a device used or designed to receive electromagnetic signals from earth-orbiting satellites and other extraterrestrial sources and is external or attached to the exterior of any building. The term includes satellite earth stations, satellite television antennae, satellite dish antennae, or any other devices designed to receive signals from satellites in the manner described above. A satellite dish is more than a television aerial mounted on a roof top. Its intent is to expand the visual horizons available, and it exhibits technological advancement beyond limits imaginable for merely mortal television aeriels. Section 300.1.a, BCZR, is not applicable. Section 400 is.

A satellite dish is an accessory use, to be treated similarly to all other accessory uses, and requests for variances are all to be judged the same, pursuant to those conditions precedent as delineated in Section 307.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in

2. The Petitioners shall, at their expense, submit certification to the Zoning Commissioner from a reliable contractor, chosen by the Protestants, that the location of the satellite dish on the roof is safe.
3. If the Protestants can present expert evidence to the Zoning Commissioner within 30 days from the date of this Order that a satellite dish can be reasonably located in the Petitioners' rear yard, this matter will be scheduled for another public hearing to review this decision.

Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Earl E. Bacon
Mr. & Mrs. Robert DeBoy
People's Counsel

PETITION FOR ZONING VARIANCE

1st Election District

Case No. 87-60-A

LOCATION: Northwest Side of Munford Road, 131.86 feet Northeast of the Centerline of Greengage Road (7114 Munford Road)

DATE AND TIME: Monday, August 25, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit an accessory structure (satellite dish) on the roof in lieu of the required rear yard

Being the property of Earl E. Bacon, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 20, 1986

Mr. Earl E. Bacon
Mrs. Vivian E. Bacon
7114 Munford Road
Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE
NW/4 of Munford Rd., 131.86' NE of the c/l
of Greengage Rd. (7114 Munford Rd.)
1st Election District
Earl E. Bacon, et ux - Petitioners
Case No. 87-60-A

Dear Mr. and Mrs. Bacon:

This is to advise you that \$59.35 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, 111 W. Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 021636

DATE 8-25-86 ACCOUNT 861-000000

POSTS RETURNED AMOUNT \$59.35

RECEIVED BY [Signature]

FOR [Signature]

VALIDATION OR SIGNATURE OF CASHIER

the district or whether a lesser relaxation than that applied for would give substantial relief; and

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of September, 1986, that the Petition for Zoning Variance to permit an accessory use (satellite dish) on the roof instead of the required rear yard be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners shall, at their expense, determine the cause of interference to the Protestants' television and telephone reception. If the satellite system is the cause, the Petitioners shall be responsible for correcting the problem or removing the satellite system.

Beginning at point on the Northwest side of Munford Road (60' wide) at a distance of 131.86 feet Northeast of the centerline of Greengage Road and being Lot 2, Block Y, as shown on the plat of "Chadwick Manor-Section IV", which is recorded in the Land Records of Baltimore County in Plat Book 27, Folio 131.

Known as 7114 Munford Road in the 1st Election District.

RE: PETITION FOR Variance : BEFORE THE ZONING COMMISSIONER
NW/4 of Munford Rd., :
131.86' NE of the C/L : OF BALTIMORE COUNTY
of Greengage Rd. (7114 :
Munford Rd.), 1st Dist. :
EARL E. BACON, et ux, : Case No. 87-60-A
Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 31st day of July, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Earl E. Bacon, 7114 Munford Rd., Baltimore, MD 21207, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

Office of
PATUXENT
Publishing Corp.
10750 Little Patuxent Pkwy.
Columbia, MD 21044

August 14 19 86

THIS IS TO CERTIFY, that the annexed advertisement of

Petition Special Hearing

was inserted in the following:

**Catonsville Times
Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 9th day of August 1986, that is to say, the same was inserted in the issues of

August 7, 1986

PATUXENT PUBLISHING CORP.

By [Signature]

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF

June 04, 1987

Mr. Earl E. Bacon
Mrs. Vivian E. Bacon
7114 Munford Road
Baltimore, Maryland 21207

July 18, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NWS of Munford Rd., 131.86' NE of the c/l
of Greengage Rd. (7114 Munford Rd.)
1st Election District
Earl E. Bacon, et ux - Petitioners
Case No. 87-60-A

TIME: 9:30 a.m.

DATE: Monday, August 25, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 020044

DATE: 8/18/86 ACCOUNT: 01-615
AMOUNT: \$ 35.00

RECEIVED FROM: *[Signature]*

FOR: *[Signature]*

VALIDATION ON SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

87-60-A

District: 1st Date of Posting: August 1-8-86

Posted for: *[Signature]*

Petitioner: *[Signature]*

Location of property: NWS of Munford Road, 131.86' NE of

Chesapeake Avenue, 7114 Munford Road

Location of Sign: NW Corner of 7114 Munford Road

Remarks: *[Signature]*

Posted by: *[Signature]* Date of return: August 8-8-86

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD, August 7, 1986

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
August 7, 1986

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising

24.75

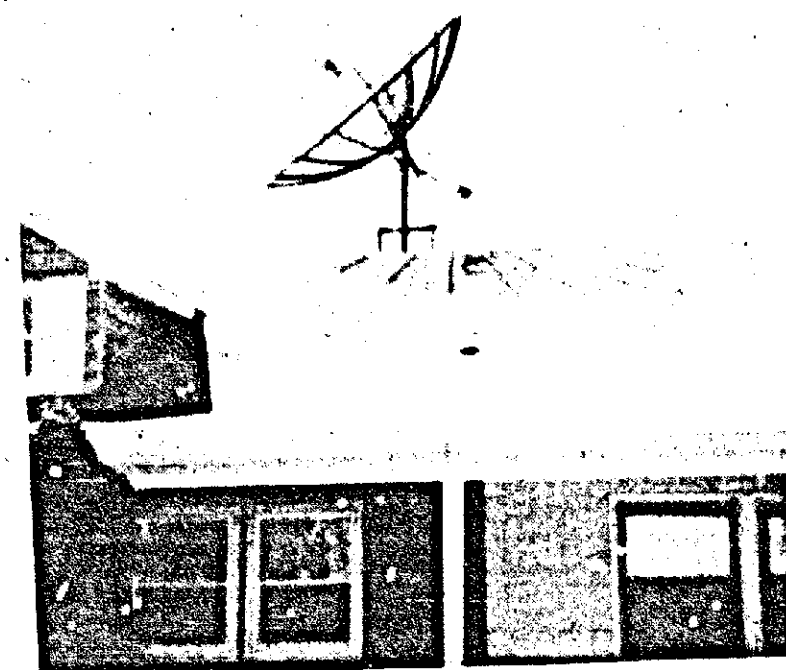
PETITION FOR
ZONING VARIANCE
1st Election District
Case No. 87-60-A
LOCATION: Northeast Side of Mun-
ford Road, 131.86 feet Northeast
of the intersection of Greengage Road
(7114 Munford Road)
DATE AND TIME: Monday, August
25, 1986, at 9:30 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland
The Zoning Commissioner of Bal-
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Being the property of Earl E. Bacon,
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In the event that this Petition is
granted, a building permit may be
issued, within the thirty (30) day appeal
period. The Zoning Commissioner
will, however, entertain any request
for a stay of the issuance of said permit
during a 15-day period for good cause
shown. Such request must be received
in writing by the date of the hearing set
above or made at the hearing.
By Order Of:
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
6910 Ave. 7



Zim Zeneral's Orchestra, a musical fixture in Baltimore for 40 years, brings back the "big band sound" of the forties and fifties when it appears at the free concert in Woodlawn Square on August 6.

What's Inside

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Satellite Dish Grounded By County Zoning

The placement of a satellite dish on the roof of a residential dwelling is a zoning violation, contrary to the provisions of the Baltimore County zoning regulations, unless a permit is obtained. Recently, an 8 foot dish was placed on the roof of a duplex in a residential section of Chadwick Manor. The residence has been notified of the zoning violation and is to stand trial on September 24, in Towson. Anyone interested is encouraged to attend the trial on Wednesday, September 24, 1:30 p.m. in District Court, 111 Allegheny Avenue.

(Continued on page 13)

re: Case No. 87-60A

August 30, 1986

Dear Sir,
This letter has been prepared in reference to the case numbered above. Having been hired by Mr. Earl Bacon for a consultation concerning the location of his Earth receiving station for his private use.

My personal qualifications include four years as a technician with the Associated Press. Included in my job are the surveys, installations and maintenance of approximately 50 Earth receive stations in the Maryland, Delaware area. The site locations vary from cow pastures in West Virginia to a two way send/receive dish on the roof of a downtown Baltimore highrise.

With the specifications of these data communication links, great care must be taken to properly align and shield the dishes from foreign microwave interference. We also construct each dish to withstand winds of up to 110 miles per hour. Most of these dishes are located at radio stations, within several hundred feet of 10 to 50 thousand watt radio frequency antennas and I am familiar with the types of interference involved with satellite dishes.

After a thorough survey of the residence of Mr. Bacon, I have prepared the following remarks regarding his current dish location, and the locations proposed by the Action Earth Satellite Corporation dated 8/27/86.

Option #1: This option should never be considered. Placement of a dish on a pole to attain the present height would require an 8 foot dish balanced on a 22-26 foot pole or tower. The amount of stress in even a moderate wind would require the use of guy wires to support the pole. The property limits in this location would not permit the type of guying required. As an experienced earth station planner and installer, I could never recommend an installation in this manner. This would be much more likely to be damaged and to do damage than a roof mount.

Option #2: This is a viable option for the dish, although as stated would require the approval of others for the removal of two maple trees aged approximately 25 years and three (not two) pine trees as specified in the "Action" report. This option would have no effect on the alleged interference to Mr. and Mrs. DeBoy's telephone and TV reception.

Option #3: This option would require the downing of the same trees as option number 2. Besides that, the angles necessary for the line of sight for proper reception for all TV satellites is questionable. On the Westernmost angle about 20 percent of the signal would be attenuated by the storage shed on the corner of the property. The Easternmost satellite look angle would attenuate the signal by up to 30 percent because of the proximity of the residence. Attenuation means loss of signal and would be demonstrated in a less than desirable quality of TV reception. I would not advise a move to this "option".

In my opinion, the complaints about the safety and the interference caused by the dish in the present location are not justifiable. If indeed the dish is causing interference in its present location, a move to any of the above options would not have any effect on the interference. The safety of the dish could not be improved by much margin either.

I find the possibility of the described interference unlikely if not impossible. I have never experienced this type of interference on any installation that I have done, and our send/receive units are much more likely to cause problems than this receive only dish.

Sincerely,
[Signature]
William H. Powell
P.O. Box 79
Glenville, PA 17329

EDWARDS ROOFING COMPANY

Job Location: 7114 Munford Road
Chadwick

Hot Built-Up & Shingle
2025 DERRICKSON ROAD
BALTIMORE, MARYLAND 21207
298-8997

To whom it may concern,

August 30, 1986

The purpose of my inspection is to determine whether or not the roof deck (dormer roof) is structurally sound to carry the weight of the satellite dish.

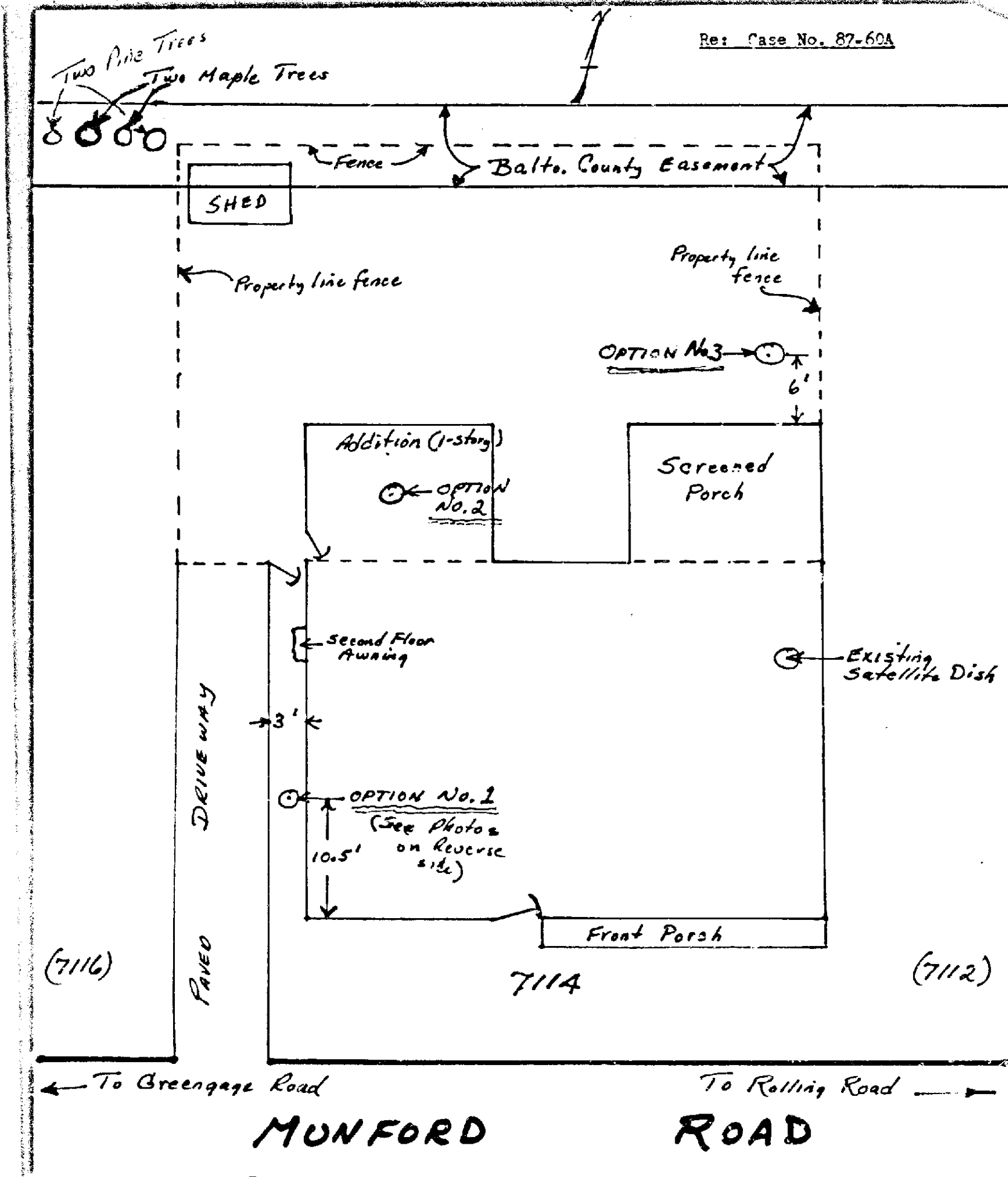
The roof sheathing and roofcovering are not the original when house was built. The new sheathing is 1/2" plywood or better and the roof feels sound enough to carry the dish. I also inspected the manner in which the satellite was fastened to house and found that it also was sound. There are 8 threaded rods which go through the dish base, through 2X6 lumber laying on roof, through roof - ceiling - and then through 2X6 lumber fastened to ceiling. Because of the size of dish, there is vibration which causes sounds which could be annoying.

Report submitted by:

Edward J. Simon -Pres.
Edwards Roofing Co., Inc.
298-8997

[Signature]

to 10/8/87 Time 5:35 AM PM
Date 8/30/86
M. J. DeBoy
of 974-2666
Phone Area Code Number Extension
TELEPHONED ☒ PLEASE CALL
CALLED TO SEE YOU ☒ WILL CALL AGAIN
WANTS TO SEE YOU ☒ URGENT
RETURNED YOUR CALL ☒
Message: Satellite dish on roof placed on Monday (Case # 87-60-A)
has add'l info you requested
Operator: *[Signature]*
To Recorder Item L1-A2324
Call: Boise Cascade 301 953-0400



(Not to scale)

Sheet 5 of 5

June 24, 1987



Western side of 7114 Munford Road
Photo taken from 2116 Munford Road
Case No. 87-60A



7114 Munford Road
Case No. 87-60A

DA09

0907MUM



EDWARDS ROOFING COMPANY

Job Location: 7114 Munford Road
Chadwick

Hot Built-Up & Shingle
2025 DERRICKSON ROAD
BALTIMORE, MARYLAND 21207
298-8997

To whom it may concern,

August 30, 1986

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Report submitted by:

Edward J. Simon - Pres.
Edwards Roofing Co., Inc.
298-8997

E. Simon

7116 Munford Road
Baltimore, Maryland 21207
September 26, 1986

Mr. Arnold Jablon, Zoning Commissioner
11 Chesapeake Avenue
Baltimore, Maryland 21204

RE: Satellite Dish Case
7114 Munford Road

Dear Mr. Jablon:

This letter is to inform you that we have been notified by both parties, i.e. 7114 Munford Road and 7112 Munford Road, that there may be a possibility that some trees on the border of our backyard are prohibiting the satellite dish at 7114 Munford Road from being placed either on the ground or on a lower roof. We are, hereby, expressing our viewpoint to you in writing. The following points have previously been discussed with both parties at 7114 Munford Road and 7112 Munford Road:

1. Although, the two maple trees in question do provide shade for our backyard, they do, also, need frequent trimming to avoid interference with power and phone lines, and do create a large leaf fallout in the Fall. Therefore, we would be agreeable to those TWO trees being removed, if absolutely necessary. (However, since they pose no problem for us - only infrequent inconvenience and extra labor - we do feel that we should not have to pay for the removal of said trees. BUT, we WOULD reserve the right to choose who would remove said trees from our property.)

2. There are, however, also four pine trees along that same border line. Since they act as a wind buffer, from the open field beyond, to our house, we are NOT agreeable to having any of those pine trees removed. The insulation they provide to our home is enormous and, therefore, (should any of them be determined an interference to said satellite dish) we CANNOT agree to having any of them removed.

Sincerely yours,

Raymond R. Rembe
Raymond R. Rembe

M. Janet Rembe
M. Janet Rembe

cc: Mr. & Mrs. Earl Bacon
7114 Munford Road
Baltimore, Maryland 21207

and

Mr. & Mrs. Robert DeBoy
7112 Munford Road
Baltimore, Maryland 21207

RECEIVED
OCT 2 1986

ZONING OFFICE

87-60-A
EARL S. BACON, clark

5:10 PM - 9/3/86

Mrs. Saunders, 9 CSP Telephone, called and left the following message:

The De Boy's telephone had been picking up transmissions from a radio station which was caused by a "dead dog" or "dead wire."

On 9/3/86 someone from the phone company came back to tell the line again to make sure there was no interference. She said that the problem had been taken care of and they have no reason to complain any more. The problem was caused by the satellite, she said.

The Bureau will have to subpoena written documentation from the telephone company. Mrs. Saunders is her supervisor, can be reached at 534-9440.

Kevin Bacon

Mr. Bacon's ph number
944-0743

04 SEP 86

August 27, 1986

I selected Action Earth Satellite Corporation after consulting with the Federal Communications Commission. Mr. Allen Golumback of the Commission referred me to the Satellite Director of WJZ TV. I was informed by the TV Company to contact their Satellite Engineers at Action Earth Satellite Corporation.

Lillian T. DeBoy
Lillian T. DeBoy

Case 87-60A

Today I contacted COMCAST, the Cable Company for Baltimore County. They informed me that they found a problem on the main cable line and that it had been cleared up. However, there was still a small noise on the "lead-in-wire" and they would be back on 05 SEP 86 clear that problem up too.

While the COMCAST Technicians were in the area they conducted the following test:

1. While I was changing from channel to channel they monitored the DeBoy's TV set(s) and did not find any interference.
2. While the Satellite dish was changing from Satellite to Satellite they again monitored the DeBoy's TV(s) and found no problems.

Their report to me was, "That any TV problems the DeBoy's had experienced did not originate with Satellite dish or it's connecting equipment."

A formal report from COMCAST will have to be subpoenaed from their Home Office. A phone call to (301) 252-1012 would be the local contact.

Earl E. Bacon
Earl E. Bacon

EDWARD S. SIMON

PHONE 244-1077
PHONE 298-8997

EDWARD J. SIMON

EDWARDS ROOFING COMPANY

OVER 50 YEARS EXPERIENCE

Hot Asphalt & Shingle Roofing
2025 DERRICKSON ROAD • BALTIMORE, MD. 21207

8/30/86

Mr. Earl Bacon

7114 Munford Road 21207

For inspecting roofing under satellite dish and filing report on same.

\$ 75. 00

This new roofing will be serviced for a period of ten years against all leaks caused through any fault of material or workmanship, providing same is coated by us at owner's expense within five years of date.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED
SEP 26 1986

To: Arnold Jablon
Zoning Commissioner

Date: September 24

From: Walter J. Rasmussen, Chief
Bureau of Land Acquisition

SUBJECT: Letter Request

This Bureau received a call from Mrs. Lillian DeBoy who resides at 7112 Munford Road, Zone 21207. The call was transferred to me as Chief of the Bureau since the lady requested a letter in reference to an easement that exists across her and her neighbors property.

She informed me that there is a zoning case pending, No. 87-60A, with the defendant, a Mr. Earl Bacon. The violation seems to be that Mr. Bacon has erected a satellite saucer on his roof which is now interfering with Mr. DeBoy's television reception as well as her telephone calls.

The purpose of this letter is to state that Baltimore County does have a ten foot easement right-of-way for the use of utilities. However, this easement is still owned by the property owner and it is their responsibility to maintain or do whatever they care to other than erect or construct any buildings thereon. If any shrubbery or trees need to be removed, in my opinion, the property owner has the sole right to do so.

If any additional information is needed, please do not hesitate to call me.

Walter J. Rasmussen
Walter J. Rasmussen, Chief
Bureau of Land Acquisition

WJR/lf

cc: Mrs. Lillian DeBoy

CPS-008

June 24, 1987

June 24, 1987

ZONING COMMISSION
BALTIMORE COUNTY
ROOM 106
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND

AUGUST 22, 1986
RAY H. LAMBERT
2105 HENRICOTT RD
WOODLAWN, MD 21207

DEAR COMMISSIONER,

I CAN SEE AN 8' FOOT SATELLITE DISH ON
THE ROOF OF 7114 MUMFORD ROAD FROM MY
FRONT YARD. DID IT NOT LOOK GOOD

I UNDERSTAND IT IS A VIOLATION OF A
CURRENT ZONING LAW. THEN I READ THAT A
VARIANCE HEARING IS BEING GRANTED.

I FEEL IT IS IN THE BEST INTEREST OF
CHADWICK MANOR OR ANY BALTIMORE COUNTY
COMMUNITY TO HAVE THE VARIANCE BE
"DENIED".

I CANNOT IMAGINE AN ENTIRE COMMUNITY
WITH 8' FOOT DISHES ON ALL THE ROOF TOPS.

THANKS FOR YOUR
CONSIDERATION
Ray H. Lambert

Woodbridge Valley
Improvement and Civic Association, Inc.
P.O. Box 3197
Catonsville, Maryland 21228

25 August 1986

Zoning Commissioner
County Office Building
Towson, MD 21204

Re: Zoning Variance Request, Case No. 87-60-A, Satellite Dish
Earl and Vivian Bacon
7114 Mumford
Baltimore, MD 21207

Dear Sir,

The Woodbridge Valley Improvement and Civic Association, representing a community
of approximately 850 families, wishes to go on record in opposition to the
above mentioned zoning request for variance. It has come to our attention
that this may be the "test case" for such zoning change request in Baltimore
County. We have historically opposed the erection of such structures in our
neighborhood and will continue to do so in the future. This position is the
result of restrictions spelled out in our Covenants which the Community empowers
the Board to enforce.

We therefore respectfully request that the Zoning Board denies this request
for Variance.

Thank-you,

Cathy Jones
Cathy Jones,
President, W.V.I.C.A.

cc: file



REALTY, INC.

Phone: 298-3500
Please reply to: 7100 Security Blvd.
Baltimore, Md. 21207

Baltimore County Dept of Zoning
Towson, Maryland 21204

August 23, 1986

Gentlemen:

Baltimore County Zoning has prudently disallowed satellite dishes being placed on roof
tops (TV antennae are bad enough!).

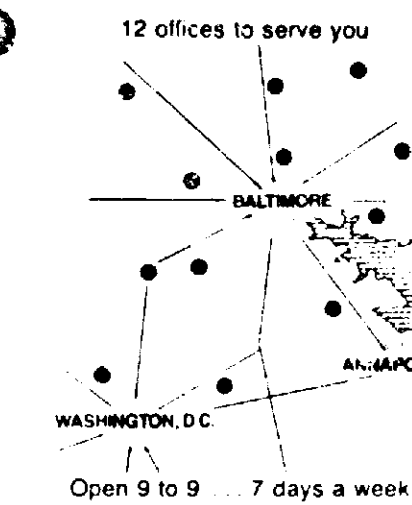
That someone is seeking a variance at 7114 Mumford Rd., 21207 after already violating the
zoning ordinance by installing the satellite dish beforehand is blatant to say the least.
This oversized object is a definite detriment to the appearance of the dwelling and those
around it.

Granting a variance to the existing restriction is a foot-in-the-door to the commercial
interest without regard to the impact on the values of those affected.

It is my professional opinion that such a large, strange, objectionable object "adorned"
a rooftop would greatly deter the prospective buyer who is seeking a home with a
picturesque setting. An additional consideration is the hazard to life and property
should such an object be blown down.

Very truly yours,

Vivian C. Wist
Vivian C. Wist
Real Estate Counselor



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
FROM: Wayne Flora
SUBJECT: Case No. 861
Earl E. Bacon

Date: August 22, 1986

Please be advised that the above subject petition is an active
violation case, Case No. 86-344-CV.
District Court action 8/24/86 is scheduled.

WF:med

87-60-A
Lillian DeBoy
944-2660

the weight of the antenna. A
high wind could possibly blow
off the roof and injure the
occupants of the dwelling or
injure the occupants of the
adjacent dwelling.

2. The antenna, both size
and shape, is very unsightly
and a blight on the
orderliness of the residential
neighborhood. It definitely
gives an "unwanted
commercial" look to the area.

Joseph O. Logsdon, Jr.
Edna R. Logsdon
7110 Mumford Rd
Baltimore, Md. 21207

August 23, 1986

Zoning Commissioner
Case # 87-60A

Subject: Satellite dish
antenna installed on the roof
of the single family residential
dwelling located at 7114
Mumford Road, 21207, Baltimore
County.

We object to the
installation of the antenna
for the following reasons.

1. The antenna may be
a safety hazard. It is
doubtful if the roof structure
was designed to support

Zoning Commissioner

No one should have to put
up with a device that causes
interference with TV reception
and also is a eyesore such as
the size of this unit. Please
take the community position
on this issue.

Thank you
John B. Russell
1803 Newmarket Rd.
Baltimore, Md. 21207

Young Commissioner,
It is bad enough to have
such an eyesore as the dish
on the roof at 7114 Mumford Rd
but when it interferes with the
neighbors' TV reception then
it is time to consider what
is the greater good for the
community is larger.

Dorothy Thomas
1982 S. Perry Rd
Baltimore, Md. 21207

8/21/86

1909 Broadway Road
Baltimore, Md. 21207

Zoning Commissioner,
I object to the unsightly view
of the 8 foot dish placed on
the roof of 7114 Mumford Rd.
It is an eyesore in our
neighborhood.

Karen Welch

PROTESTANT'S
EXHIBIT 2

ELLICOTT MILLS HOMEOWNERS ASSOCIATION, INC.
P.O. Box 21125
BALTIMORE, MARYLAND 21228

August 23, 1986

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

RE: Case No. 8760
Variance for Satellite Dish

Dear Mr. Jablon:

It is our understanding that a petition for a variance has been filed
by Mr. and Mrs. Earl Bacon to place a satellite dish on the roof of their
property located at 7114 Mumford Road in Chadwick. It is also our under-
standing that the next door neighbors to Mr. and Mrs. Bacon, namely Mr. and
Mrs. Robert Dubois, oppose such a variance.

I am President of the Ellicott Mills Homeowners Association, a neighboring
development in the Catonsville/Woodlawn area. It is the position of the
Ellicott Mills Board of Directors that variances for satellite dishes should
not be granted in this area. It is our concern that once such a variance
is allowed, it will set a precedent leading to more requests which will
eventually have a negative effect on the aesthetic appearance and monetary
value of the properties in these neighborhoods.

Please advise us of the decision rendered in this case. If you require
any further information on our part, please feel free to contact me at my
office, 483-2701.

Sincerely,

Frederick A. Raab
President

FAR/xt

June 24, 1987

RECEIVED

AUG 18 1986

ZONING OFFICE

2022 No. Calhoun Rd.
Baltimore MD 21207
Aug. 19. 1986

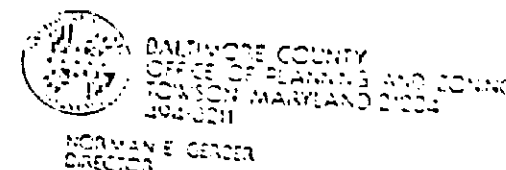
Zoning Commissioner

Case: 87-60A.

With reference to the setback dish on
the residential driveway at 7114 Munford
Road, I would like to go on
record as opposing the zoning
violation.

In view of the future building
in this area, and the fact
available I feel this must be
the down-grading of the
area.

As I am unable to be there
in person, please read
my letter as being against the
violation.
John W. White



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JULY 22, 1986

Re: Zoning Advisory Meeting of JUNE 24, 1986
Item # 461 EARL E. BACON, et ux
Property Owner: Earl E. Bacon, et ux
Location: NW/S Munford Rd. 131.86'
NE of E Greengage Rd.

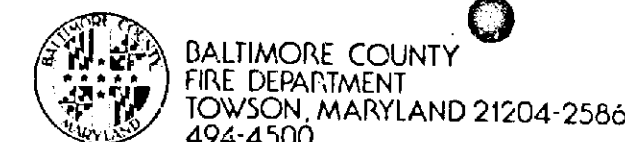
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject
petition and offers the following comments. The items checked below are
applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be
forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a
subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior
to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and
development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited
under the provisions of Section 22-58 of the Development
Regulations.
- ☒ Development of this site may constitute a potential conflict with
the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board.
on
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual,
Bill 173-79. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The deficient service
is
- ☒ The property is located in a traffic area controlled by a "T" level
intersection as defined by Bill 173-79, and as conditions change
are re-evaluated annually by the County Council.
- ☒ Additional comments:

CC: James Howell

Eugene A. Baber
Chief, Current Planning and Development



PAUL H. REINCKE
CHIEF

June 25, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Earl E. Bacon, et ux

Location: NW/S Munford Rd., 131.86' NE of centerline Greengage Road

Item No.: 461

Zoning Agenda: Meeting of 6/24/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this
Bureau and the comments below marked with an "X" are applicable and required
to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be
located at intervals or _____ feet along an approved road in
accordance with Baltimore County Standards as published by the
Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall
comply with all applicable requirements of the National Fire Protection
Association Standard No. 101 "Life Safety Code", 1976 edition prior
to occupancy.

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill*
Special Inspection Division
Noted and Approved: *John F. O'Neill*
Fire Prevention Bureau

/mb

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 29, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Mr. Earl E. Bacon
7114 Munford Road
Baltimore, Maryland 21207

RE: Item No. 461 - Case No. 87-60-A
Petitioner: Earl E. Bacon, et ux
Petition for Zoning Variance

Dear Mr. Bacon:

The Zoning Plans Advisory Committee has reviewed the plans
submitted with the above-referenced petition. The following
comments are not intended to indicate the appropriateness of the
zoning action requested, but to assure that all parties are made
aware of plans or problems with regard to the development plans
that may have a bearing on this case. The Director of Planning
may file a written report with the Zoning Commissioner with recom-
mendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the
Committee at this time that offer or request information on your
petition. If similar comments from the remaining members are
received, I will forward them to you. Otherwise, any comment that
is not informative will be placed in the hearing file. This
petition was accepted for filing on the date of the enclosed
filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

July 2, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

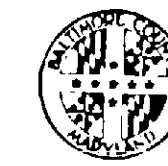
Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items
number 456, 457, 458, 459, 460, 461, 464, 465, and 467.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

July 24, 1986

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 461 Zoning Advisory Committee Meeting are as follows:

Property Owner: Earl E. Bacon, et ux
Location: NW/S Munford Road, 131.86 feet NE of C/I Greengage Road
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85,
the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- (B) A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a
registered in Maryland Architect or Engineer is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect
or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for
exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer
than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party
wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an
exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested
variance by this office cannot be considered until the necessary data pertaining to height/area and
construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____ of the Baltimore
County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also
be filed along with three sets of acceptable construction plans indicating how the existing structure is
to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or
Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or
to Mixed Uses _____ See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached
copy of Section 316.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct
elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments:
- K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office
of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired
the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111
W. Chesapeake Avenue, Towson, Maryland 21204.

4/22/85

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure (satellite dish) to be located on the roof in lieu of the required rear yard.

- of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. If installed on the ground, neighbor's trees and house are in line of site between receiver and satellite.
 2. If placed on roof of sunporch, BG&E power lines and neighbor's house interferes with received signals.
 3. It has been placed on the roof of our house for optimum reception and in so doing, the installer drilled four holes in the roof to anchor the satellite. If removed, this could cause leaks and water damage to the entire house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
 (Type or Print Name) Earl E. Bacon
 Signature (Type or Print Name) Earl E. Bacon
 Address Vivian E. Bacon
 City and State Baltimore, MD 21207
 Attorney for Petitioner: 7114 Munford Road, 944-0743
 (Type or Print Name) Address Phone No.
 Signature Baltimore, MD 21207
 Address Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 City and State Name
 Attorney's Telephone No.: 944-0743
 Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day

of July, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of August, 1986, at 9:30 o'clock.

Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 9th day of July, 1986.

Petitioner: Earl E. Bacon, et ux
 Attorney: Received by: James E. Dyer
 Chairman, Zoning Plans
 Advisory Committee

IN RE: PETITION ZONING VARIANCE * BEFORE THE
 NW/4 of Munford Road, 131.86' * ZONING COMMISSIONER
 NE of the centerline of * OF BALTIMORE COUNTY
 Greengage Road (7114 Munford *
 Road) - 1st Election District *
 Earl E. Bacon, et ux, * Case No. 87-60-A
 Petitioners *

AMENDED ORDER

Pursuant to the Order in this matter, dated September 4, 1986, and Restriction 3 therein, further testimony and evidence was presented at a public hearing on October 6, 1986.

After due consideration of that testimony and evidence, this Commissioner is convinced that the Petitioners' request for a variance to permit a satellite dish (dish) to be located on the roof should be granted for the same reasons explained in the original Order. Further, it is clear that any viable option to the location of the dish would also require a variance, i.e., the placement in the side yard and/or its height being in excess of 15 feet, and no evidence was presented by the Protestants to the effect that placement in any other location would abate the adverse conditions described.

This Commissioner is convinced that the dish is not the cause of the problems described by the Protestants and is also convinced that they occur but for reasons which have not been proven.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of October, 1986, that the Petition for Zoning Variance to permit an accessory use (satellite dish) on the roof instead of the required rear yard be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Protestants may exercise their right of appeal to the Baltimore County Board of Appeals within 30 days from the date of this Amended Order.

Zoning Commissioner of Baltimore County

AJ/srl

cc: Mr. & Mrs. Earl E. Bacon

Mr. & Mrs. Robert DeBoy

People's Counsel

IN RE: PETITION ZONING VARIANCE * BEFORE THE
 NW/4 of Munford Road, 131.86' * ZONING COMMISSIONER
 NE of the centerline of * OF BALTIMORE COUNTY
 Greengage Road (7114 Munford *
 Road) - 1st Election District *
 Earl E. Bacon, et ux, * Case No. 87-60-A
 Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory use (satellite dish) on the roof instead of the required rear yard, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Testifying on their behalf was Frank Bart. Mr. and Mrs. Robert DeBoy, adjacent property owners, appeared in opposition.

Testimony indicated that the instant case arose as a result of a complaint filed by Mrs. DeBoy alleging that the Petitioners had placed a satellite dish, eight feet in diameter, on their roof in violation of the Baltimore County Zoning Regulations (BCZR).

The subject property, zoned D.R.5.5, is located on Munford Road. Mr. Bart, the installer of the dish, testified that the only place the dish could be located, in order to receive the appropriate microwave television signals from orbiting satellites, was on the roof. It could not be placed in the rear yard without removing trees from neighboring yards because no clear "line of sight" exists. Mr. Bart's testimony was uncontroverted, although Mrs. DeBoy believes it could be located in the rear yard.

The Petitioners and the Protestants own adjoining duplexes, and Mrs. DeBoy expressed a strong fear of the dish falling. She also complained of

interference to her television and telephone. In addition, she presented numerous letters of opposition, Protestants' Exhibit 2, which concur with her objections as to potential diminution of property values and to the dish's unsightliness. All complained of its ugliness and all want it banned.

The Petitioners seek relief from Section 400.1, pursuant to Section 307, BCZR.

Satellite dishes are designed to receive low energy radio signals from satellites orbiting the earth, and the signal received is then transmitted to a television receiver. However, a dish, unlike television and radio signals, requires an unobstructed line of sight to the satellite. Such a line is critical to its performance. The area within the direct line between the land-based antenna and the orbiting satellites, called the "reception window", must be obstruction-free for effective reception, i.e., free of man-made or natural physical barriers that would block the signal between the satellite and the antenna. Buildings, walls, fences, billboards, utility poles, and trees are common obstructions that can prevent or impair the reception of a useable signal. Dishes should be located so that their reception window will not be blocked by these or any other obstructions. In fact, on January 14, 1986, the FCC, in issuing a final ruling about limited preemption of local satellite dish regulations, preempted any landscaping or screening requirement that obstructs the reception window. See Federal Register, February 14, 1986, p. 5519-5527.

Without going any further into the technical make-up of a satellite dish, it is sufficient to underscore the fact that a conventional mast antenna and a satellite dish are different. However, the FCC ruling cited above denied local governments the right to differentiate between such antennas unless the regulations have "a reasonable and clearly defined health, safety, or

aesthetic objective." In short, local governments cannot discriminate against dishes. Baltimore County does not.

Section LB01.1.A.14, BCZR, permits accessory uses or structures as a matter of right in a D.R. zone. Section 101-Definitions, BCZR, defines an accessory use or structure as one which is customarily incident and subordinate to and serves as a principal use or structure; is subordinate in area, extent, or purpose to the principal use or structure; is located on the same lot as the principal use or structure served; and contributes to the comfort, convenience, or necessity of the occupants in the principal use or structure served. Unlike the R.C. zones, when an accessory use or structure, such as swimming pools, tennis courts, garages, utility sheds, or others, is subject to Section 400, BCZR, the D.R. zones do not specifically make such uses subject to the restrictions delineated therein. However, if the result implied would be followed, it would permit an accessory use or structure, not a building, to be placed on a lot unrestricted by Section 400.1 in any D.R. zone. This clearly was not the intent of the Baltimore County Council. Section B400, BCZR, enacted within Bill No. 18, 1976, stated:

The provisions of this article apply only to principal use except as otherwise specified (as in Item 405.4.C.12) or unless the provision implicitly relates to accessory usage (as in Section 405A). (emphasis added)

Therefore, the Council has recognized that "accessory uses" are to be included in addition to accessory buildings in Section 400.1. This intent is obvious and not contradictory.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. *Pittman v. Housing Authority*, 25 A.2d 466.

- 3 -

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in *State v. Fabritz*, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. *Purfoy v. Merc. Safe Dep. & Trust*, 273 Md. 58, 327 A.2d 483 (1974); *Scoville v. Sec'y. of the State*, 269 Md. 390, 306 A.2d 534 (1973); *Height v. State*, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, *Walker v. Montgomery County*, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, *Mitchell v. State*, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be "considered in its entirety, and in the context of the purpose underlying [its] enactment." *Giant of Md. v. State's Attorney*, 267 Md. 50, at 509, 295 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. *Grosvenor v. Supervisor of Assess.*, 271 Md. 232, 315 A.2d 758 (1974); *Height v. State*, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. *Purfoy v. Merc. Safe Deposit & Trust*, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. *Gatewood v. State*, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in *Maguire v. State*, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context...[since] the meaning of the plainest words in a statute may be controlled by the context..." In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. *B. F. Saul Co. v. West End Park*, 250 Md. 707, 246 A.2d 591 (1968); *Sanza v. Md. Board of Censors*, 245 Md. 319, 226 A.2d 317 (1967); *Height v. State*, supra.

The intent of the BCZR must be determined as being construed as a whole. See *Smith v. Miller*, 249 Md. 390.

- 4 -

June 24, 1987

While Section 1801.1.2.14 appears to permit accessory uses or structures (the terms are combined by definition, Section 101) without restriction, it is clear that the intent of the Council was to subject such uses or structures to Section 400.

The record unequivocally establishes that the dish serves no use other than to receive television signals, a use obviously incidental and subordinate to the principal use of this property. A satellite dish is a device used or designed to receive electromagnetic signals from earth-orbiting satellites and other extraterrestrial sources and is external or attached to the exterior of any building. The term includes satellite earth stations, satellite television antennae, satellite dish antennae, or any other devices designed to receive signals from satellites in the manner described above. A satellite dish is more than a television aerial mounted on a roof top. Its intent is to expand the visual horizons available, and it exhibits technological advancement beyond limits imaginable for merely mortal television aeriels. Section 300.1.a, BCZR, is not applicable. Section 400 is.

A satellite dish is an accessory use, to be treated similarly to all other accessory uses, and requests for variances are all to be judged the same, pursuant to those conditions precedent as delineated in Section 307.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in

2. The Petitioners shall, at their expense, submit certification to the Zoning Commissioner from a reliable contractor, chosen by the Protestants, that the location of the satellite dish on the roof is safe.
3. If the Protestants can present expert evidence to the Zoning Commissioner within 30 days from the date of this Order that a satellite dish can be reasonably located in the Petitioners' rear yard, this matter will be scheduled for another public hearing to review this decision.

Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Earl E. Bacon
Mr. & Mrs. Robert DeBoy
People's Counsel

PETITION FOR ZONING VARIANCE

1st Election District

Case No. 87-60-A

LOCATION: Northwest Side of Munford Road, 131.86 feet Northeast of the Centerline of Greengage Road (7114 Munford Road)

DATE AND TIME: Monday, August 25, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit an accessory structure (satellite dish) on the roof in lieu of the required rear yard

Being the property of Earl E. Bacon, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 20, 1986

Mr. Earl E. Bacon
Mrs. Vivian E. Bacon
7114 Munford Road
Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE
NW/4 of Munford Rd., 131.86' NE of the c/l
of Greengage Rd. (7114 Munford Rd.)
1st Election District
Earl E. Bacon, et ux - Petitioners
Case No. 87-60-A

Dear Mr. and Mrs. Bacon:

This is to advise you that \$59.35 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, 111 W. Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 021636

DATE 8-25-86 ACCOUNT 861-055000

POSTS Returned AMOUNT \$ 59.35

RECEIVED Mr. Earl E. Bacon

FOR 1st Election District 87-60-A

VALIDATION OR SIGNATURE OF CASHIER

the district or whether a lesser relaxation than that applied for would give substantial relief; and

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of September, 1986, that the Petition for Zoning Variance to permit an accessory use (satellite dish) on the roof instead of the required rear yard be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners shall, at their expense, determine the cause of interference to the Protestants' television and telephone reception. If the satellite system is the cause, the Petitioners shall be responsible for correcting the problem or removing the satellite system.

Beginning at point on the North ^{West} side of Munford Road (60' wide) at a distance of 131.86 feet Northeast of the centerline of Greengage Road and being Lot 2, Block Y, as shown on the plat of "Chadwick Manor-Section IV", which is recorded in the Land Records of Baltimore County in Plat Book 27, Folio 131.

Known as 7114 Munford Road in the 1st Election District.

RE: PETITION FOR Variance : BEFORE THE ZONING COMMISSIONER
NW/4 of Munford Rd., :
131.86' NE of the C/L : OF BALTIMORE COUNTY
of Greengage Rd. (7114 :
Munford Rd.), 1st Dist. :
EARL E. BACON, et ux, : Case No. 87-60-A
Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 31st day of July, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Earl E. Bacon, 7114 Munford Rd., Baltimore, MD 21207, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

Office of
PATUXENT
Publishing Corp.
10750 Little Patuxent Pkwy.
Columbia, MD 21044

August 14 19 86

THIS IS TO CERTIFY, that the annexed advertisement of

Petition Special Hearing

was inserted in the following:

**Catonsville Times
Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 9th day of August 1986, that is to say, the same was inserted in the issues of

August 7, 1986

PATUXENT PUBLISHING CORP.

By [Signature]

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF

June 04, 1987

Mr. Earl E. Bacon
Mrs. Vivian E. Bacon
7114 Munford Road
Baltimore, Maryland 21207

July 18, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NWS of Munford Rd., 131.86' NE of the c/l
of Greengage Rd. (7114 Munford Rd.)
1st Election District
Earl E. Bacon, et ux - Petitioners
Case No. 87-60-A

TIME: 9:30 a.m.

DATE: Monday, August 25, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

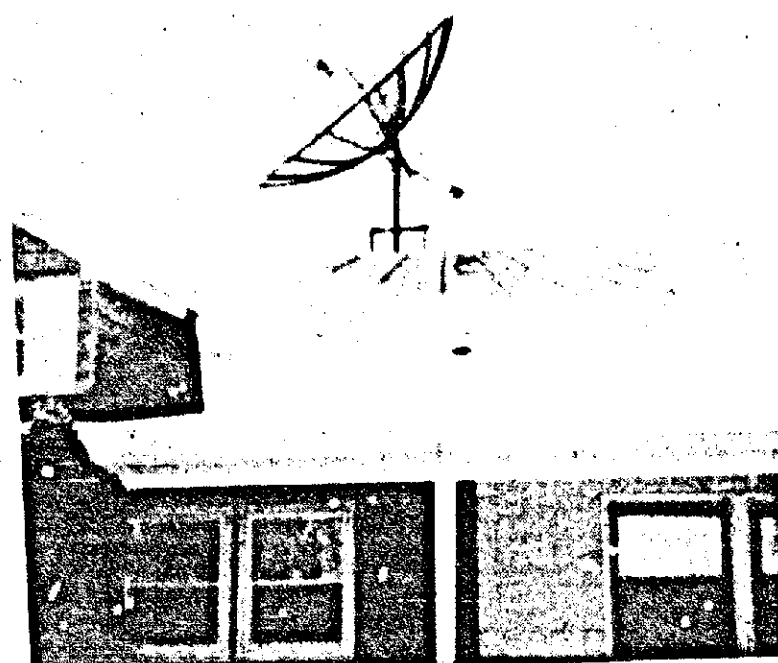
[Signature]
Zoning Commissioner
of Baltimore County



Zim Zeneral's Orchestra, a musical fixture in Baltimore for 40 years, brings back the "big band sound" of the forties and fifties when it appears at the free concert in Woodlawn Square on August 6.

What's Inside

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Satellite Dish Grounded By County Zoning

The placement of a satellite dish on the roof of a residential dwelling is a zoning violation, contrary to the provisions of the Baltimore County zoning regulations, unless a permit is obtained. Recently, an 8 foot dish was placed on the roof of a duplex in a residential section of Chadwick Manor. The residence has been notified of the zoning violation and is to stand trial on September 24, in Towson. Anyone interested is encouraged to attend the trial on Wednesday, September 24, 1:30 p.m. in District Court, 111 Allegheny Avenue.

(Continued on page 13)

re: Case No. 87-60A

August 30, 1986

Dear Sir,
This letter has been prepared in reference to the case numbered above. Having been hired by Mr. Earl Bacon for a consultation concerning the location of his Earth receiving station for his private use.

My personal qualifications include four years as a technician with the Associated Press. Included in my job are the surveys, installations and maintenance of approximately 50 Earth receive stations in the Maryland, Delaware area. The site locations vary from cow pastures in West Virginia to a two way send/receive dish on the roof of a downtown Baltimore highrise.

With the specifications of these data communication links, great care must be taken to properly align and shield the dishes from foreign microwave interference. We also construct each dish to withstand winds of up to 110 miles per hour. Most of these dishes are located at radio stations, within several hundred feet of 10 to 50 thousand watt radio frequency antennas and I am familiar with the types of interference involved with satellite dishes.

After a thorough survey of the residence of Mr. Bacon, I have prepared the following remarks regarding his current dish location, and the locations proposed by the Action Earth Satellite Corporation dated 8/27/86.

Option #1: This option should never be considered. Placement of a dish on a pole to attain the present height would require an 8 foot dish balanced on a 22-26 foot pole or tower. The amount of stress in even a moderate wind would require the use of guy wires to support the pole. The property limits in this location would not permit the type of guying required. As an experienced earth station planner and installer, I could never recommend an installation in this manner. This would be much more likely to be damaged and to do damage than a roof mount.

EDWARDS ROOFING COMPANY

Job Location: 7114 Munford Road
Chadwick

Hot Built-Up & Shingle
2025 DERRICKSON ROAD
BALTIMORE, MARYLAND 21207
298-8997

To whom it may concern,

August 30, 1986

The purpose of my inspection is to determine whether or not the roof deck (dormer roof) is structurally sound to carry the weight of the satellite dish.

The roof sheathing and roofcovering are not the original when house was built. The new sheathing is 1/2" plywood or better and the roof feels sound enough to carry the dish. I also inspected the manner in which the satellite was fastened to house and found that it also was sound. There are 8 threaded rods which go through the dish base, through 2X6 lumber laying on roof, through roof - ceiling - and then through 2X6 lumber fastened to ceiling. Because of the size of dish, there is vibration which causes sounds which could be annoying.

Report submitted by:

Edward J. Simon - Pres.
Edwards Roofing Co., Inc.
298-8997

[Signature]

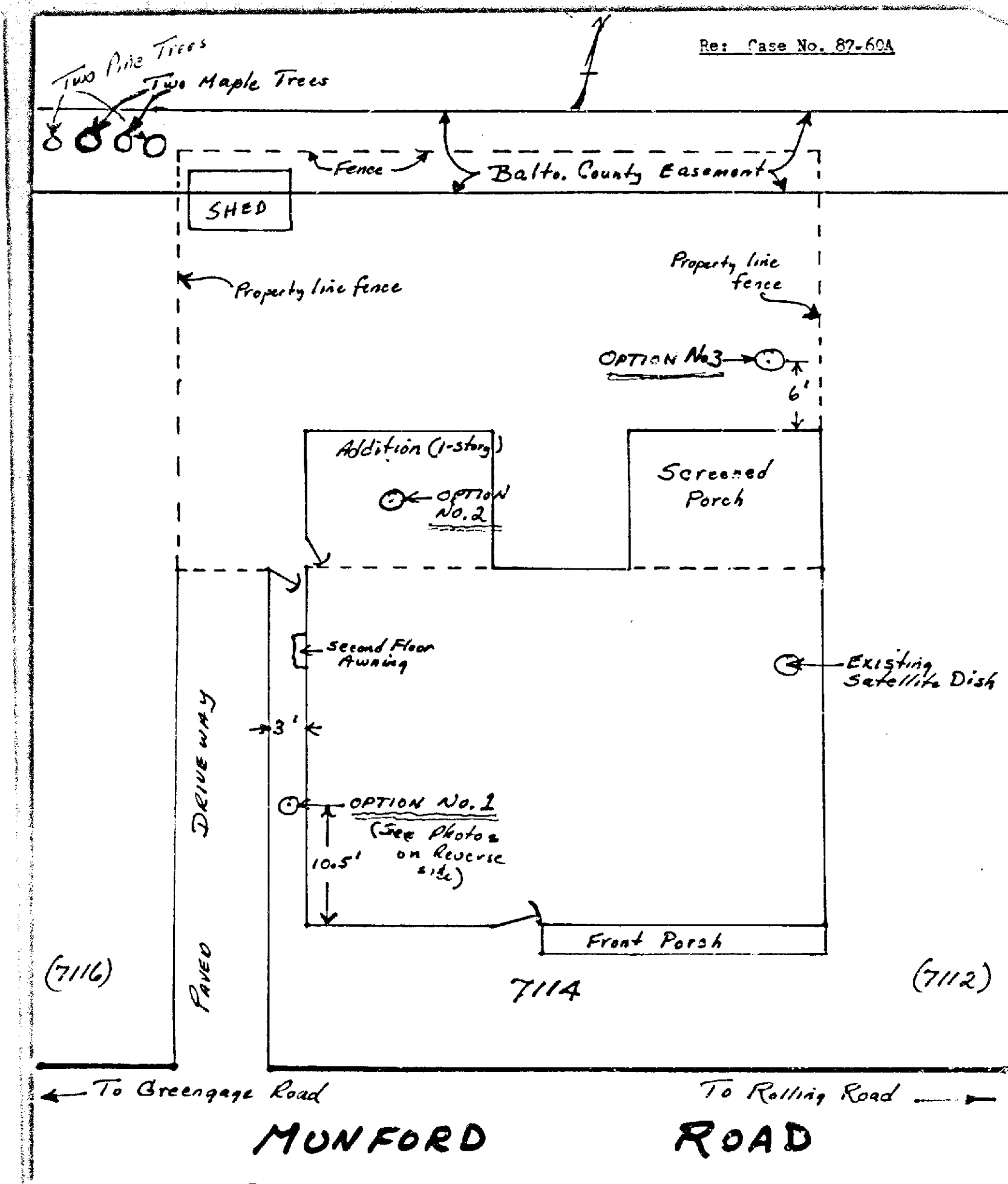
Option #2: This is a viable option for the dish, although as stated would require the approval of others for the removal of two maple trees aged approximately 25 years and three (not two) pine trees as specified in the "Action" report. This option would have no effect on the alleged interference to Mr. and Mrs. DeBoy's telephone and TV reception.

Option #3: This option would require the downing of the same trees as option number 2. Besides that, the angles necessary for the line of sight for proper reception for all TV satellites is questionable. On the Westernmost angle about 20 percent of the signal would be attenuated by the storage shed on the corner of the property. The Easternmost satellite look angle would attenuate the signal by up to 30 percent because of the proximity of the residence. Attenuation means loss of signal and would be demonstrated in a less than desirable quality of TV reception. I would not advise a move to this "option".

In my opinion, the complaints about the safety and the interference caused by the dish in the present location are not justifiable. If indeed the dish is causing interference in its present location, a move to any of the above options would not have any effect on the interference. The safety of the dish could not be improved by much margin either.

I find the possibility of the described interference unlikely if not impossible. I have never experienced this type of interference on any installation that I have done, and our send/receive units are much more likely to cause problems than this receive only dish.

Sincerely,
[Signature]
William H. Powell
P.O. Box 79
Glenville, PA 17329



(Not to scale)

CERTIFICATE OF PUBLICATION

TOWSON, MD, August 7, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 7, 1986

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising

24.75

PETITION FOR ZONING VARIANCE

LOCATION: Northeast Side of Munford Road, 131.86 feet Northeast of the intersection of Greengage Road (7114 Munford Road)
DATE AND TIME: Monday, August 25, 1986, at 9:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for zoning variance to permit an accessory structure, (satellite dish) on the roof in lieu of the required rear yard.
Being the property of Earl E. Bacon, et ux, as shown on the plan filed with the Zoning Office.
In the event that this Petitioner(s) is granted, a building permit may be issued, within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during a 15 day period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of:
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
6910 Ave. 7

to 10/8/86 Time 5:35 AM PM
Date
M. J. DeBoy
M. J. DeBoy
Phone 974-2666
TELEPHONED ☒ PLEASE CALL
CALLED TO SEE YOU ☒ WILL CALL AGAIN
WANTS TO SEE YOU ☒ URGENT
RETURNED YOUR CALL ☒
Message: Satellite dish on roof of house on Munford Road (Case # 87-60-A)
has not info you requested
Operator
To Recorder Item L1-A2324
Call: Boise Cascade 301 953-0400

June 24, 1987



Western side of 7114 Munford Road
Photo taken from 2116 Munford Road
Case No. 87-60A



7114 Munford Road
Case No. 87-60A

DA09

0907MUM



EDWARDS ROOFING COMPANY

Job Location: 7114 Munford Road
Chadwick

Hot Built-Up & Shingle
2025 DERRICKSON ROAD
BALTIMORE, MARYLAND 21207
298-8997

To whom it may concern,

August 30, 1986

The purpose of my inspection is to determine whether or not the roof deck (dormer roof) is structurally sound to carry the weight of the satellite dish.

The roof sheathing and roofcovering are not the original when house was built. The new sheathing is 1/2" plywood or better and the roof feels sound enough to carry the dish. I also inspected the manner in which the satellite was fastened to house and found that it also was sound. There are 8 threaded rods which go through the dish base, through 2X6 lumber laying on roof, through roof - ceiling - and then through 2X6 lumber fastened to ceiling. Because of the size of dish, there is vibration which causes sounds which could be annoying.

Report submitted by:

Edward J. Simon - Pres.
Edwards Roofing Co., Inc.
298-8997

E. Simon

7116 Munford Road
Baltimore, Maryland 21207
September 26, 1986

Mr. Arnold Jablon, Zoning Commissioner
11 Chesapeake Avenue
Baltimore, Maryland 21204

RE: Satellite Dish Case
7114 Munford Road

RECEIVED
OCT 2 1986

ZONING OFFICE

87-60-A
EARL S. BACON, et al

Dear Mr. Jablon:

This letter is to inform you that we have been notified by both parties, i.e. 7114 Munford Road and 7112 Munford Road, that their may be a possibility that some trees on the border of our backyard are prohibiting the satellite dish at 7114 Munford Road from being placed either on the ground or on a lower roof. We are, hereby, expressing our viewpoint to you in writing. The following points have previously been discussed with both parties at 7114 Munford Road and 7112 Munford Road:

1. Although, the two maple trees in question do provide shade for our backyard, they do, also, need frequent trimming to avoid interference with power and phone lines, and do create a large leaf fallout in the Fall. Therefore, we would be agreeable to those TWO trees being removed, if absolutely necessary. (However, since they pose no problem for us -only infrequent inconvenience and extra labor-, we do feel that we should not have to pay for the removal of said trees. BUT, we WOULD reserve the right to choose who would remove said trees from our property.)

2. There are, however, also four pine trees along that same border line. Since they act as a wind buffer, from the open field beyond, to our house, we are NOT agreeable to having any of those pine trees removed. The insulation they provide to our home is enormous and, therefore, (should any of them be determined an interference to said satellite dish) we CANNOT agree to having any of them removed.

Sincerely yours,

Raymond R. Rembe

Raymond R. Rembe

M. Janet Rembe
M. Janet Rembe

cc: Mr. & Mrs. Earl Bacon
7114 Munford Road
Baltimore, Maryland 21207

and

Mr. & Mrs. Robert DeBoy
7112 Munford Road
Baltimore, Maryland 21207

5:10 PM - 9/3/86

Mrs. Saunders, 9 CSP Telephone, called and left the following message:

The De Boy's telephone had been picking up transmissions from a radio station which was caused by a "dead dog" or "dead wire."

On 9/3/86 someone from the phone company came back to tell the line again to make sure there was no interference. She said that the problem had been taken care of and they have no reason to complain any more. The problem was caused by the satellite, she said.

The Bureau will have to subpoena written documentation from the telephone company. Mrs. Saunders is her suggestion, can be reached at 534-9440.

Kevin Bacon

August 27, 1986

I selected Action Earth Satellite Corporation after consulting with the Federal Communications Commission. Mr. Allen Golumback of the Commission referred me to the Satellite Director of WJZ TV. I was informed by the TV Company to contact their Satellite Engineers at Action Earth Satellite Corporation.

Lillian T. DeBoy
Lillian T. DeBoy

Case 87-60A

Mr. Bacon's ph number
944-0743

04 SEP 86

Today I contacted CCMCAST, the Cable Company for Baltimore County. They informed me that they found a problem on the main cable line and that it had been cleared up. However, there was still a small noise on the "lead-in-wire" and they would be back on 05 SEP 86 clear that problem up too.

While the CCMCAST Technicians were in the area they conducted the following test:

1. While I was changing from channel to channel they monitored the DeBoy's TV set(s) and did not find any interference.
2. While the Satellite dish was changing from Satellite to Satellite they again monitored the DeBoy's TV(s) and found no problems.

Their report to me was, "That any TV problems the DeBoy's had experienced did not originate with Satellite dish or it's connecting equipment."

A formal report from CCMCAST will have to be subpoenaed from their Home Office. A phone call to (301) 252-1012 would be the local contact.

Earl E. Bacon
Earl E. Bacon

EDWARD S. SIMON

PHONE 244-1077
PHONE 298-8997

EDWARD J. SIMON

EDWARDS ROOFING COMPANY

OVER 50 YEARS EXPERIENCE

Hot Asphalt & Shingle Roofing
2025 DERRICKSON ROAD • BALTIMORE, MD. 21207

8/30/86

Mr. Earl Bacon

7114 Munford Road 21207

For inspecting roofing under satellite dish and filing report on same.

\$ 75. 00

This new roofing will be serviced for a period of ten years against all leaks caused through any fault of material or workmanship, providing same is coated by us at owner's expense within five years of date.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED
SEP 26 1986

To: Arnold Jablon
Zoning Commissioner

Date: September 24

FROM: Walter J. Rasmussen, Chief
Bureau of Land Acquisition

SUBJECT: Letter Request

This Bureau received a call from Mrs. Lillian DeBoy who resides at 7112 Munford Road, Zone 21207. The call was transferred to me as Chief of the Bureau since the lady requested a letter in reference to an easement that exists across her and her neighbors property.

She informed me that there is a zoning case pending, No. 87-60A, with the defendant, a Mr. Earl Bacon. The violation seems to be that Mr. Bacon has erected a satellite saucer on his roof which is now interfering with Mr. DeBoy's television reception as well as her telephone calls.

The purpose of this letter is to state that Baltimore County does have a ten foot easement right-of-way for the use of utilities. However, this easement is still owned by the property owner and it is their responsibility to maintain or do whatever they care to other than erect or construct any buildings thereon. If any shrubbery or trees need to be removed, in my opinion, the property owner has the sole right to do so.

If any additional information is needed, please do not hesitate to call me.

Walter J. Rasmussen
Walter J. Rasmussen, Chief
Bureau of Land Acquisition

WJR/lf

cc: Mrs. Lillian DeBoy

CPS-008

June 24, 1987

June 24, 1987

ZONING COMMISSION
BALTIMORE COUNTY
ROOM 106
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND

AUGUST 22, 1986
RAY H. LAMBERT
2105 HENRICOTT RD
WOODLAWN, MD 21207

DEAR COMMISSIONER,

I CAN SEE AN 8' FOOT SATELLITE DISH ON THE ROOF OF 7114 MUMFORD ROAD FROM MY FRONT YARD. DID IT NOT LOOK GOOD.

I UNDERSTAND IT IS A VIOLATION OF A CURRENT ZONING LAW. THEN I READ THAT A VARIANCE HEARING IS BEING GRANTED.

I FEEL IT IS IN THE BEST INTEREST OF CHADWICK MANOR OR ANY BALTIMORE COUNTY COMMUNITY TO HAVE THE VARIANCE BE "DENIED".

I CANNOT IMAGINE AN ENTIRE COMMUNITY WITH 8' FOOT DISHES ON ALL THE ROOF TOPS.

THANKS FOR YOUR
CONSIDERATION
Ray H. Lambert

Woodbridge Valley
Improvement and Civic Association, Inc.
P.O. Box 3197
Catonsville, Maryland 21228

25 August 1986

Zoning Commissioner
County Office Building
Towson, MD 21204

Re: Zoning Variance Request, Case No. 87-60-A, Satellite Dish
Earl and Vivian Bacon
7114 Mumford
Baltimore, MD 21207

Dear Sir,

The Woodbridge Valley Improvement and Civic Association, representing a community of approximately 850 families, wishes to go on record in opposition to the above mentioned zoning request for variance. It has come to our attention that this may be the "test case" for such zoning change request in Baltimore County. We have historically opposed the erection of such structures in our neighborhood and will continue to do so in the future. This position is the result of restrictions spelled out in our Covenants which the Community empowers the Board to enforce.

We therefore respectfully request that the Zoning Board denies this request for Variance.

Thank-you,

Cathy Jones
Cathy Jones,
President, W.V.I.C.A.

cc: file



REALTY, INC.

Phone: 298-3500
Please reply to: 7100 Security Blvd.
Baltimore, Md. 21207

Baltimore County Dept of Zoning
Towson, Maryland 21204

August 23, 1986

Gentlemen:

Baltimore County Zoning has prudently disallowed satellite dishes being placed on roof tops (TV antennae are bad enough!).

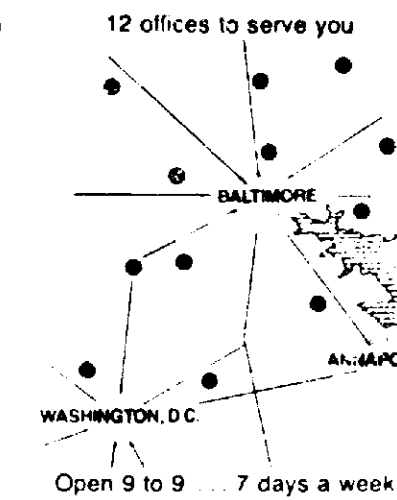
That someone is seeking a variance at 7114 Mumford Rd., 21207 after already violating the zoning ordinance by installing the satellite dish beforehand is blatant to say the least. This oversized object is a definite detriment to the appearance of the dwelling and those around it.

Granting a variance to the existing restriction is a foot-in-the-door to the commercial interest without regard to the impact on the values of those affected.

It is my professional opinion that such a large, strange, objectionable object "adorned" a rooftop would greatly deter the prospective buyer who is seeking a home with a picturesque setting. An additional consideration is the hazard to life and property should such an object be blown down.

Very truly yours,

Vivian C. Wist
Vivian C. Wist
Real Estate Counselor



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
FROM: Wayne Flora
SUBJECT: Case No. 861
Earl E. Bacon

Date: August 22, 1986

Please be advised that the above subject petition is an active violation case, Case No. 86-344-CV.
District Court action 8/24/86 is scheduled.

WF:med

87-60-A
Lillian DeLoe
944-2660

the weight of the antenna. A high wind could possibly blow it off the roof and injure the occupants of the dwelling or injure the occupants of the adjacent dwelling.

2. The antenna, both size and shape, is very unsightly and a blight on the ordinariness of the residential neighborhood. It definitely gives an "unwanted" commercial look to the area.

Joseph O. Logsdon, Jr.
Edna R. Logsdon
7110 Mumford Rd
Baltimore, Md. 21207

August 23, 1986

Zoning Commissioner
Case # 87-60A

Subject: Satellite dish
antenna installed on the roof of the single family residential dwelling located at 7114 Mumford Road, 21207, Baltimore County.

We object to the installation of the antenna for the following reasons:
1. The antenna may be a safety hazard. It is doubtful if the roof structure was designed to support

Zoning Commissioner

No one should have to put up with a device that causes interference with TV reception and also is a eyesore such as the size of this unit. Please take the community position on this issue.

Thank you
John B. Russell
1803 Newmarket Rd.
Baltimore, Md. 21207

8/22/86
Zoning Commissioner,
It is bad enough to have such an eyesore as the dish on the roof at 7114 Mumford Rd. but when it interferes with the neighbors' TV reception then it is time to consider what is the greater good for the community is larger.

Dorothy Thomas
1982 S. Perry Rd
Baltimore, Md. 21207

8/21/86

1909 Broadway Road
Baltimore, Md. 21207

Zoning Commissioner,
I object to the unsightly view of the 8 foot dish placed on the roof of 7114 Mumford Rd. It is an eyesore in our neighborhood.

Karen Welch

PROTESTANT'S
EXHIBIT 2

ELLICOTT MILLS HOMEOWNERS ASSOCIATION, INC.

P.O. Box 21125
BALTIMORE, MARYLAND 21228

August 23, 1986

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

RE: Case No. 8760
Variance for Satellite Dish

Dear Mr. Jablon:

It is our understanding that a petition for a variance has been filed by Mr. and Mrs. Earl Bacon to place a satellite dish on the roof of their property located at 7114 Mumford Road in Chadwick. It is also our understanding that the next door neighbors to Mr. and Mrs. Bacon, namely Mr. and Mrs. Robert Dubois, oppose such a variance.

I am President of the Ellicott Mills Homeowners Association, a neighboring development in the Catonsville/Woodlawn area. It is the position of the Ellicott Mills Board of Directors that variances for satellite dishes should not be granted in this area. It is our concern that once such a variance is allowed, it will set a precedent leading to more requests which will eventually have a negative effect on the aesthetic appearance and monetary value of the properties in these neighborhoods.

Please advise us of the decision rendered in this case. If you require any further information on our part, please feel free to contact me at my office, 483-2701.

Sincerely,

Frederick A. Raab
President

FAR/xt

June 24, 1987

RECEIVED

AUG 18 1986

ZONING OFFICE

2022 No. Laddery Rd.
Baltimore MD 21207
Aug. 19. 1986

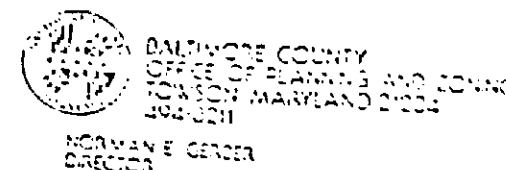
Zoning Commission

Case: 87-60A.

With reference to the petition filed on
the residential division at 7114 Munford
Road, I would like to go on
record as opposing the zoning
petition.

In view of the future building
in this area, and the fact that
available I feel this would be
the down-grading of this
area.

As I am unable to be there
in person, please read
my letter as being against the
petition.
John W. White



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JULY 22, 1986

Re: Zoning Advisory Meeting of JUNE 24, 1986
Item # 461 EARL E. BACON, et ux
Property Owner: Earl E. Bacon, et ux
Location: NW/S MUNFORD RD. 131.86'
NE of E GREENGAGE RD.

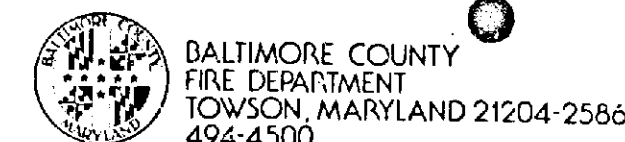
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject
petition and offers the following comments. The items checked below are
applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be
forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a
subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior
to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and
development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited
under the provisions of Section 22-58 of the Development
Regulations.
- ☒ Development of this site may constitute a potential conflict with
the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board.
on
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual,
Bill 173-79. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The deficient service
is
- ☒ The property is located in a traffic area controlled by a "T" level
intersection as defined by Bill 173-79, and as conditions change
are re-evaluated annually by the County Council.
- ☒ Additional comments:

CC: James Howell

Eugene A. Baber
Chief, Current Planning and Development



PAUL H. REINCKE
CHIEF

June 25, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Earl E. Bacon, et ux

Location: NW/S Munford Rd., 131.86' NE of centerline Greengage Road

Item No.: 461

Zoning Agenda: Meeting of 6/24/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this
Bureau and the comments below marked with an "X" are applicable and required
to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be
located at intervals or _____ feet along an approved road in
accordance with Baltimore County Standards as published by the
Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall
comply with all applicable requirements of the National Fire Protection
Association Standard No. 101 "Life Safety Code", 1976 edition prior
to occupancy.

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *[Signature]*
Planning Group
Special Inspection Division

Noted and
Approved: *[Signature]*
Fire Prevention Bureau

/mb

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 29, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Mr. Earl E. Bacon
7114 Munford Road
Baltimore, Maryland 21207

RE: Item No. 461 - Case No. 87-60-A
Petitioner: Earl E. Bacon, et ux
Petition for Zoning Variance

Dear Mr. Bacon:

The Zoning Plans Advisory Committee has reviewed the plans
submitted with the above-referenced petition. The following
comments are not intended to indicate the appropriateness of the
zoning action requested, but to assure that all parties are made
aware of plans or problems with regard to the development plans
that may have a bearing on this case. The Director of Planning
may file a written report with the Zoning Commissioner with recom-
mendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the
Committee at this time that offer or request information on your
petition. If similar comments from the remaining members are
received, I will forward them to you. Otherwise, any comment that
is not informative will be placed in the hearing file. This
petition was accepted for filing on the date of the enclosed
filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

July 2, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

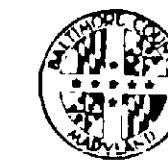
Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items
number 456, 457, 458, 459, 460, 461, 464, 465, and 467.

Very truly yours,

[Signature]
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

July 24, 1986

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 461 Zoning Advisory Committee Meeting are as follows:

Property Owner: Earl E. Bacon, et ux
Location: NW/S Munford Road, 131.86 feet NE of C/1 Greengage Road
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

- ☒ All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85,
the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- ☒ A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a
registered in Maryland Architect or Engineer is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect
or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for
exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer
than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party
wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an
exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested
variance by this office cannot be considered until the necessary data pertaining to height/area and
construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____ of the Baltimore
County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also
be filed along with three sets of acceptable construction plans indicating how the existing structure is
to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or
Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or
to Mixed Uses _____ See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached
copy of Section 316.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct
elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments:

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office
of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired
the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111
W. Chesapeake Avenue, Towson, Maryland 21204.

[Signature]
Bill C. E. Burman, Jr.
Building Plans Review

4/22/85